

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

RECEIVED  
IN CLERK'S OFFICE  
APR 08 2014  
U. S. DISTRICT COURT  
MID. DIST. TENN.

ROBERT ZENAS WHIPPLE, III

Plaintiff,

v.

DERRICK SCHOFIELD, et al.

Defendants.

) CASE NO. 1:13-cv-00109

) CHIEF JUDGE HAYNES *DAWEN*

) JURY DEMAND *Based upon*

*the defendants' response  
set forth in the motion and  
the Court's prior orders,  
the defendants are not*

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

*requested to make*

The plaintiff moves pursuant to Rule 37(a)(3)(B)(iv)<sup>1</sup> of the *Federal Rules of Civil Procedure*, for an order compelling Defendant Kevin Rea to produce copies of documents requested on January 31, 2014 and February 5, 2014 and reviewed on March 28, 2014 (see *J-13-14*).

*HELLO JV*  
*100%*  
DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR A RULE 26(f) DISCOVERY

As grounds for this motion, Plaintiff states that neither Mr. Rea nor his attorney served a written response to these requests (*Id.* ¶ 17). The Attorney General's Office responded that the documents are on file in Mr. Rea's Office, available for the plaintiff to review (*Id.* ¶ 18). The plaintiff met with Mr. Rea on March 28, 2014 and reviewed the documents, selecting pages that he wanted copied (*Id.* ¶ 20). During the review, Plaintiff identified documents that were missing from his copy of his court-ordered medical record; Mr. Rea made copies of these as well (*Id.* ¶ 21).

---

<sup>1</sup> (B) To Compel a Discovery Response. A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:

(iv) a party fails to respond that inspection will be permitted--or fails to permit inspection--as requested under Rule 34.